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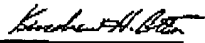
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04/22/2004 13:08 FAX 202 419 7007		FITCH EVEN		001	
		Fitch, Even, Tabin & Flannery <i>Intellectual Property Law</i>			
1801 K Street, NW, Suite 401L Washington, D.C. 20006 Phone: (202) 419-7000 Fax: (202) 419-7007					
TELECOPIER COVER SHEET					
Client/Matter No: 7391/71214			Date: April 22, 2004		
The transmission that follows totals <u>4</u> pages, including this cover sheet. Please deliver immediately to the following:					
ATTN: Examiner Cepha D. Toomer Art Unit 1714 Mail Stop: AF Reissan			Fax: 703 672-6306		
Re: U.S. Application No. 09/694,285 GAITO et al.					
This transmission is being sent by <u>Kenneth Colton</u> , please call (202-419-7000) if there is a problem with this transmission.					
COMMENTS:					
CERTIFICATE OF FACSIMILE: I hereby certify that these papers (Notice of Appeal and paper regarding Notice of Allowability listed to PAIR) are being transmitted via facsimile to: <u>Comptroller of Patents, Washington, D.C. 20231.</u> Attn: Examiner Cepha D. Toomer, on this day of April 22, 2004.					
 Kenneth H. Colton, Reg. No. 38,368					

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Fitch, Even, Tabin & Flannery
Intellectual Property Law

1801 K. Street, NW, Suite 401L
Washington, D.C. 20006
Phone: (202) 419-7000 Fax: (202) 419-7007

TELECOPIER COVER SHEET

Client/Matter Nos: 7391/71214

Date: April 22, 2004

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Attn: Examiner Cephia D. Toomer
Art Unit 1714
Mail Stop: AF Reissue

Fax: 703 872-9306

Re: U.S. Application No. 09/604,285
GATTO et al.

This transmission is being sent by Kendrew Colton, please call (202-419-7000) if there is a problem with this transmission.

COMMENTS:

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**Fitch, Even, Tabin & Flannery*****Intellectual Property Law***

1801 K. Street, NW, Suite 401L

Washington, D.C. 20006

Phone: (202) 419-7000 Fax: (202) 419-7007

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Kendrew H. Colton, Reg. No. 30,368

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : GATTO et al.
Application No. : 09/604,285
Filed : June 26, 2000
For: LUBRICANT CONTAINING MOLYBDENUM
COMPOUND AND SECONDARY DIARYLAMINE

Confirmation No. 5162

TC/A.U. : 1714
Examiner : Cephia Toomer
Docket No. : 7391/71214
Customer No. : 22242

April 22, 2004

COMMISSIONER FOR PATENTS
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF Reissue
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

We appreciate the Notice of Allowability listed in PAIR, but understand that it has not been mailed yet.

In an abundance of caution, in order to ensure this application remains pending, we herewith file, as a contingency, a Notice of Appeal.

If the Examiner has any questions, please have no hesitation in contacting the undersigned. The Examiner's courtesies in recent telephone calls concerning status are acknowledged with appreciation.

Respectfully submitted,

By: Kendrew H. Colton

Fitch, Even, Tabin & Flannery
1801 K Street, N.W., Suite 401L
Washington, D.C. 20006-1201

Kendrew H. Colton
Registration No. 30,368
Tel: 202-419-7000
Fax: 202-419-7007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.:	09/604,285)	Confirmation No. 5162
Filed:	June 23, 2000)	
Applicant(s):	GATTO et al.)	
Title:	LUBRICANT CONTAINING MOLYBDENUM COMPOUND AND SECONDARY DIARYLAMINE)	
Art Unit:	1714)	April 22, 2004
Examiner:	Cephia D. Toomer)	
Attorney Docket No.:	7391/71214)	
Customer No.:	22242)	

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated _____ finally rejecting claims _____.

- ☒ The fee for this Notice of Appeal is \$ 330.00 (37 CFR § 1.17(b)).
- ☐ Applicant(s) assert entitlement to Small Entity Status (37 CFR § 1.27), reducing the Appeal Fee by half to \$ 0.00.
- ☒ Charge \$ 330.00 to Deposit Account No. 06-1135, under Order No. 7391/71214.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Not required (fee paid in prior appeal in this application).
- ☐ A petition for extension of time under 37 CFR § 1.136(a) is enclosed.

Application No. 09/604,285
Notice of Appeal dated April 22, 2004

- ☒ The Director is hereby authorized to charge any additional fees which may be required in connection with this appeal (specifically including the fee for filing a brief in support of this appeal if such brief is filed unaccompanied by full payment therefor, and the fee for filing a request for an oral hearing if such request is made unaccompanied by full payment therefor), or credit any overpayment to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Director is authorized to charge the unpaid amount to Deposit Account No. 06-1135, under Order No. 7391/71214. This Notice is filed in duplicate.

April 22, 2004

Date

Kendrew H. Colton

Kendrew H. Colton

Registration No. 30,368

- ☒ Attorney or agent of record
☐ Inventor(s)
☐ Assignee
☐ Filed under 37 CFR § 1.34(a)

FITCH, EVEN, TABIN & FLANNERY
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Washington, D.C. 20006-1201
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